

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,
VILLAGE HALL, ON WEDNESDAY, JUNE 4, 1997.**

Members Present: Patrick J. Gilmartin, Chairman
Robert Buford
William Hoffman
Peter Lilienfield
Allen Morris, Secretary

Also Present: Kevin J. Plunkett, Village Counsel
Ralph Mastromonaco, Bruce Donohue, & Tim
Miller,
Consultants to the Planning Board
Brenda Livingston & Joseph Elliot, Ad Hoc
Planning Board
Members
Eugene Hughey, Building Inspector
Florence Costello, Planning Board Clerk
Thomas Jackson, E.C.B. Chair
Joseph S. Jacoby, J&L Reporting Service,
for Westwood
Development Associates
Applicants and other persons mentioned in
these Minutes
Members of the Public.

IPB Matters

**Considered: 94-03 -- Westwood Development
Associates, Inc.**

Sht. 10,10C,11,Lots
25K,25J2,25K2,25A,26A
96-13 -- Louis W. Goodkind
Sht. 10F, Bl. 253, Lot 15
96-30 -- Renato Rancic
Sht. 13B, P9B,P25A,P69A, Lot #3
97-08 -- Irvington Associates, L.L.C.
Sht. 12B, Lot #30
97-11 -- Irvington Associates, L.L.C.
Sht. 12B, Lot #21
97-12 -- Irvington Associates, L.L.C.
Sht 12B, Lot 57
97-13 -- Irvington Associates, L.L.C.
Sht. 12B, Lot #59
97-14 -- Ettore & Maria D'Alessio
Sht. 13, Lot 141A

97-15 -- Douglas & JoAnne Nordli

Sht. 10D, Bl. 239, Lot 29,30,34-36

The Chairman called the meeting to order at 8:00 PM.
IPB Matter #96-36: **Application of Walter T. O'Hara & Katherine O'Hara**

Hickey for Final Subdivision Approval
for property at
One Hudson Road East.

Gerald D. Reilly, Esq., appeared for the Applicant, and submitted, for Planning Board signatures, a plat captioned "Subdivision Map Prepared for Walter O'Hara, Jr. and Katherine O'Hara Hickey, located at One Hudson Road East, dated January 22, 1997, revised May 7, 1997", approved by Westchester Health Department . The Board adopted a Resolution granting final approval to this subdivision at the May 7, 1997 Planning Board meeting.

IPB Matters #97-11,
12 & 13: **Application of Irvington Associates, LLC., for Site**
Development Plan Approval for Lots 21,
57, & 59,
Legend Hollow Subdivision.

James Ryan, R.L.A., of John Meyer Consulting, David S. Steinmetz, Esq., of Shamberg Marwell Cherneff Hocherman Davis & Hollis, P.C., and Craig Studer, Project Manager at Legend Hollow, appeared for the Applicant. Applicant paid an application fee and provided an Affidavit of Publication and evidence of mailing of required Notice to Affected Property Owners. E.C.B. comments dated June 3, 1997 and Ralph Mastromonaco's memos dated June 4, 1997 were considered.

IPB Matter #97-11: **Lot #21**

The Chairman opened the public hearing. There were no comments from the public. The Board closed the public hearing and took the following action. It approved "Site Plan (Lot #21)" dated 5/07/97, revised 6/03/97 which revision incorporated changes requested by the Planning Board during its site walk inspection plus comments from the Board's Consulting Engineer.

IPB Matter #97-12: **Lot #57**

The Chairman opened the public hearing. There were no comments from the public. The Board closed the public hearing and took the following action. It approved "Site Plan (Lot #57)" dated 5/07/97, revised 6/03/97 which revision incorporated changes requested by the Planning Board during its site walk inspection plus comments from the Board's Consulting Engineer.

IPB Matter #97-13: Lot #59

The Chairman opened the public hearing. There were no comments from the public. The Board closed the public hearing and took the following action. It approved "Site Plan (Lot 59)" dated 5/07/97, revised 6/03/97 which revision incorporated changes requested by the Planning Board during its site walk inspection plus comments from the Board's Consulting Engineer.

**IPB Matter #97-08: Application of Irvington
Associates, LLC., for Site
Development Plan Approval for Lot #30,
Legend
Hollow Subdivision.**

James Ryan, R.L.A., of John Meyer Consulting, David S. Steinmetz, Esq., of Shamberg Marwell Cherneff Hocherman Davis & Hollis, P.C., and Craig Studer, Project Manager at Legend Hollow appeared for the Applicant. The Chairman reopened the Public Hearing adjourned from the May 7, 1997 meeting.

There were no comments from the public. Mr. Mastromonaco mentioned that construction on this site would require a considerable amount of blasting. The Board, in response, asked Mr. Hughey, the Building Inspector, who monitors blasting activities, to take note of the comment. The developer will send a letter to Mr. Mastromonaco stating drain dissipater to be filled with stone. Mr. Studer, at the Chairman's request, also said that he would confirm to the Board in writing that the term "rip rap" as used by the Applicant means natural stone only and does not include construction materials and the like. The Board closed the public hearing and took the following action. It approved "Site Plan (Lot #30)" dated 4/02/97, latest revision 6/030/97, revision per Village Engineer's comments.

Ministerial:

Mr. Craig Studer noted Irvington Associates, Legend Hollow Subdivision, submitted a Site Development Plan Approval Application for Lot #34 for review and public hearing at the July 2, 1997 Planning Board meeting.

IPB Matter #97-14: **Application of Ettore & Marie**
D'Alessio for Site **Capacity Determination for property at**
27 Hamilton **Road.**

Christina Griffin, Architect, and Gerald D. Reilly, Esq., appeared for the Applicant. Applicant paid the required application fee for an Application for Site Capacity Determination and submitted "Survey/Site Plan prepared for Ettore & Maria D'Alessio" prepared by Charles Riley, L.S., dated January 31, 1997, revised April 12, 1997.

After a brief discussion the Board on motion duly made and adopted determined that the Site Capacity of the property was two (2) dwelling units.

IPB Matter #97-15: **Application of Douglas & JoAnne**
Nordli for Site **Development Plan Approval for property**
at **One Cedarlawn Road.**

Matthew Behrens, Architect, appeared for the Applicant. Applicant paid the required application fee for an Application for Site Development Plan Approval, and furnished evidence of the required mailings and publication. Drawings prepared by Matthew Behrens, Architect, dated May 22, 1997 were submitted to the Board.

Applicant is requesting Site Development Plan Approval for an addition to an existing residence. Addition will be 15'0" wide and will extend approximately 16'7" to the south of the existing structure. It will contain an additional 650 square feet of living space on 2 floors, creating a total of 6,435 cubic feet. The

existing footprint will be increased by 250 square feet for a total of 1,732 square feet. Mr. Lilienfield, as neighbor, recused himself from discussion.

The Chairman, with the Board's concurrence stated that the application would be treated as an Application for Waiver of Site Development Plan Approval. There were no comments from the public or Planning Board Consultant. Concern regarding building extension proximity to property line was referred to Mr. Hughey, Building Inspector. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed alteration meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

IPB Matter #96-30:
Site Development

Application of Renato Rancic for

**Plan Approval for Lot #3, Dedyo
Subdivision.**

Jim Ryan of John Meyer Consulting and David Steinmetz of Shamberg Marwell Cherneff Hocherman Davis & Hollis, P.C., appeared for the Applicant. They presented a revised site plan and drainage study. Mr. Mastromonaco's memo, dated June 4, 1997, cited drainage as the most serious issue, road runoff, and building height. A site walk is proposed for Messrs. Mastromonaco, Hoffman and Morris, the other member of the Board having recently inspected the site. Public discussion was opened. Mr. Terrence Mahon, neighbor, cited drainage problem, a break in the current drainage pipe, and the impact of chemicals and salt from road runoff.

The Board scheduled a public hearing on the Site Plan for its next meeting, July 2, 1997.

**IPB Matter #96-13
for Preliminary**

Application of Louis W. Goodkind

**Layout Approval for a two lot
Subdivision of property
at Harriman Road and Fieldpoint Drive.**

Gerald D. Reilly, Esq., appeared for the Applicant, and furnished evidence of mailing of required Notice to Affected Property Owners, an Application for Limited Site Development Plan Approval and Preliminary Subdivision Approval, and drawings prepared by Charles Riley, Land Surveyor, "Preliminary Subdivision and Site Plan, Prepared for Louis W. Goodkind, dated 10/15/92, revised 2/24/97", and "Sanitary Sewer and Water Main Profiles, prepared for Louis W. Goodkind, 2/24/97".

There were some vital questions on the application. Is Fieldpoint Road title report available? (Mr. Elliot will research). Can Mr. Casadone, Irvington water expert, meet with the Board at the next monthly meeting to advise it on whether there would be any potential concerns for the Irvington reservoir resulting from development of the lot which is the nearest to it on the outflow side. Mr. Plunkett was asked to consider and inform the Board if there were any legal problems associated with the proposed development because of the spillway water course (Barney Brook) on the property. Control of storm water,

drainage, and sewer location. Additional topography detail is requested. Board agreed to carry discussion of application to the July meeting.

**IPB Matter #94-03: Application of Westwood
Development Associates, Inc.
 for Limited Site Development Plan
Approval for
 property at Broadway, Riverview Road
and Mountain
 Road.**

Messrs. Padraic Steinschneider and Charles Pateman appeared for the application. The Applicant had received a copy of the extensive comments of the Board's consultants (Messrs. Mastromonaco, Miller and Donohue) on the DEIS submitted by the Applicant. The Chairman observed that those comments clearly indicated that the DEIS was not adequate and complete for the purposes of scheduling a public hearing to review it. The Applicant agreed with this assessment. Mr. Steinschneider said that after the Applicant and its consultants had studied the comments of the Board's consultants, the Applicant would like the Board to schedule a work session to go over all the comments to assure accurate responses to the questions posed by the Consultants' DEIS comments. A Westwood letter dated June 4, 1997 was submitted to the Board confirming that the application was modified to propose a total of 19 residential lots on Parcel A (the parcel nearest Broadway) with one residence planned for each lot, eliminating the accessory units.

Paul Bergins, Esq., informed the Board that he had been retained to represent the School Board, and said he would aim to be prepared to answer the Board's questions about the Applicant's rights over the school property at the July meeting. Mrs. Penny Delaney, a member of the School Board, informed the Planning Board that the attorneys who represented the School Board in the earlier litigation about easements of access over the high school property have confirmed for the School Board that the existing easement does in fact cross over the high school athletic field. Mr. Daniel Parish and Mr. Jerry Leitzes were advised that the Board's Consultants' review of the Preliminary DEIS is available in the Village Clerk's Office and the Library. Mr. Parrish volunteered to give the Board a comparative study on

traffic, to compare the actual environmental impact of Fieldpoint vs the original projected impact.

A stenographic transcript of the proceedings was made and will be filed as part of the Board's record on this matter.

The Board then considered the following administrative matters:

- The next regular meeting of the Planning Board was scheduled for July 2, 1997.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Allen Morris, Secretary